1   LATHAM & WATKINS LLP
     Michael H. Rubin (Bar No. 214636)
2   *michael.rubin@lw.com*
     Melanie M. Blunschi (Bar No. 234264)
3   *melanie.blunschi@lw.com*
     505 Montgomery Street, Suite 2000
4   San Francisco, California 94111
     Telephone: +1.415.391.0600
5
     Serrin Turner (*pro hac vice*)
6   *serrin.turner@lw.com*
     1271 Avenue of the Americas
7   New York, NY 10020
     Telephone: +1.212.906.1200
8
9   Margaret A. Upshaw (*pro hac vice*)
      maggie.upshaw@lw.com
10   555 Eleventh Street, NW, Suite 1000
     Washington, D.C. 20004
11   Telephone: +1.202.637.2200

12   *Attorneys for Defendant Gen Digital Inc.*

13
                    UNITED STATES DISTRICT COURT
14
                  NORTHERN DISTRICT OF CALIFORNIA
15
                     SAN FRANCISCO DIVISION
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17
     GRACE LAU, CHRISTOPHER   Case No. 3:22-cv-08981-RFL - SK
18   KARWOWSKI, MELODY KLEIN,
     MICHAEL MCBRIDE, and AIMEN   **DECLARATION OF JAN HAVELKA IN**
19   HALIM, individually and on behalf of all   **OPPOSITION TO PLAINTIFFS' MOTION**
     others similarly situated,   **TO COMPEL COMPLIANCE WITH**
20   **SUBPOENAS PURSUANT TO FEDERAL**
                    Plaintiffs,   **RULE OF CIVIL PROCEDURE 45**
21
            v.
22   **Hon. Sallie Kim**
     GEN DIGITAL INC. a corporation,
23
                    Defendant.
24

25

26   I, Jan Havelka, declare as follows:

27   1.   I have been employed by Avast PLC ("Avast") for over eleven years and currently

28   serve as a Manager and Software Programmer for Avast's Threat Labs team. I submit this

1   declaration in connection with the above-captioned proceeding (the "Action"). I am fully familiar

2   with the facts contained herein based upon my personal knowledge and information provided by

3   counsel, and if called as a witness, I could and would testify competently thereto.

4   2.   Gen Digital is a computer software company, formerly known as Symantec Corp.

5   and NortonLifeLock Inc. In 2022, NortonLifeLock Inc. merged with Avast. I understand the

6   focus of the Action is Avast Online Security & Privacy ("AOSP"), a browser extension that, among

7   other things, helps users avoid malicious websites.

8   3.   In my role at Avast, I am responsible for maintaining the Avast service that operates

9   on the Avast subdomain urlite.ff.avast.com, referred to as "URLite" (the "URLite Service"). The

10   URLite Service is used by AOSP and several other Avast applications, which send URLs to the

11   service to be analyzed for malicious attributes. Through years of managing the URLite Service

12   and working on the underlying code base, I have extensive familiarity with how the code works

13   and the types of data that it uses in the course of its operation.

14   4.   I understand that Plaintiffs contend that, when AOSP (through a user's browser)

15   sends URLs to the URLite Service, certain cookies associated with the avast.com website may be

16   appended by the browser in the headers of those communications, and that Plaintiffs further believe

17   that URLite collects this cookie data from the communications so that Avast can send it to third-

18   party advertisers.

19   5.   This allegation is not true. The URLite Service does not collect, process, store, or

20   otherwise use cookie data in any way. While a browser may append a cookie header to

21   communications sent to the URLite Service, when that happens the URLite Service does not do

22   anything with the cookie header data. Just as a person in the physical world may be offered a

23   cookie and choose not to eat it, the URLite Service, if presented with a cookie in a communication

24   sent to it from a browser, does not ingest it. It is simply ignored, as it has nothing to do with the

25   operation of the URLite Service.

26   6.   I know from my personal familiarity with the code base for the URLite Service that

27   the code only uses four types of headers in the communications sent to it. They are:

28

DECL. OF JAN HAVELKA ISO OPP. TO MOT. TO
COMPEL
CASE NO. 3:22-cv-08981-RFL-SK

- Content-Length
- Content-Type
- User-Agent
- X-Forwarded-For

These headers are accessed by the URLite Service using the "headers.get" method, which is a standard type of command used to retrieve a header from an HTTP (i.e., web-based) communication. The code for the URLite Service does not make any "headers.get" call for the cookie header.

7.   I have further confirmed this for purposes of this Action by running searches across all versions of the URLite Service code base from 2021 to 2024, for any reference to any type of HTTP header. Again, the only types of headers that appear in the search results are the four headers listed above. The code contains no reference to the cookie header. This corroborates, as I already know from my personal experience working with the code, that the URLite Service does not process cookie data in any way.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 6, 2024, at Prague, Czechia

_____

Jan Havelka